Case 1:06-cv-00091-SLR Document 223-7 Filed 08/14/07 Page 1 of 62 PageID #: 3996

PATENT APPLICATION FEE DETERMINATION RECORD Effective November 10, 1998 **CLAIMS AS FILED - PART I** OTHER THAN SMALL ENTITY **SMALL ENTITY** (Column 1) (Column 2) TYPE [OR NUMBER EXTRA FOR NUMBER FILED RATE FEE RATE FEE 760.00 380.00 **BASIC FEE** OR minus 20= **TOTAL CLAIMS** X\$18= X\$ 9= OR minus 3 = INDEPENDENT CLAIMS X39 =X78= OR MULTIPLE DEPENDENT CLAIM PRESENT +260= +130= OR * If the difference in column 1 is less than zero, enter "0" in column 2 TOTAL **TOTAL** OR **OTHER THAN** CLAIMS AS AMENDED - PART II **SMALL ENTITY** SMALL ENTITY OR (Column 3) (Column 2) (Column 1) HIGHEST CLAIMS ADDI-ADDI-NIMBER ⋖ REMAINING PRESENT TIONAL RATE TIONAL RATE AMENDMENT **PREVIOUSLY AFTER EXTRA** FEE FEE PAID FOR AMENDMENT 20 X\$18=Minus X\$ 9= Total OR Minus ----Independent X78= X39= OR FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM +260= +130= OR TOTAL TOTAL OR ADDIT. FEE ADDIT. FEE (Column 2) (Column 3) (Column 1) HIGHEST CLAIMS ADDI-ADDI-Ω REMAINING NUMBER PRESENT TIONAL RATE TIONAL RATE **AFTER PREVIOUSLY EXTRA** AMENDMENT AMENDMENT PAID FOR FEE FEE Total Minus X\$18= ** X\$ 9= OR Minus Independent *** X78= X39= OR FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM +260= +130= OR TOTAL TOTAL OR ADDIT, FEE ADDIT, FEE (Column 3) (Column 1) (Column 2) CLAIMS HIGHEST ADDI-ADDI-O NUMBER REMAINING PRESENT TIONAL RATE TIONAL RATE AMENDMENT **AFTER PREVIOUSLY EXTRA** AMENDMENT PAID FOR FEE FEE Minus Total ** X\$9=X\$18=OR Minus independent *** X39 =X78= OR FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM +130= +260= OR * If the entry in column 1 is less than the entry in column 2, write "0" in column 3. TOTAL TOTAL OR ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20." ADDIT. FEE ADDIT, FEE ***If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3." The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Application or Docket Number,

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PATENT BL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Sullivan et al.

FOR

IMPROVED MULTI-LAYER GOLF

BALL

SERIAL NO.

Unknown

FILED

Concurrently Herewith

ART UNIT

3711

ATTORNEY DOCKET NO.

P3724-2-F1-C1

(SLD 2 035-3-3-1-1)

Cleveland, Ohio 44114-2518 December 21, 1999

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents Washington, DC 20231

Dear Sir:

Please amend the above-captioned application as follows.

In the Specification

On page 1, delete the first paragraph under "Field of the Invention" and replace with:

This application is a continuation application of U.S. application Serial No. 08/870,585 filed June 6, 1997/which is a continuation application of U.S. application Serial No. 08/556,237 filed on November 9, 1995, now abandoned, which is a continuation-in-part of U.S. application Serial No. 08/070,510 filed June 1, 1993(1) abandoned.

CERTIFICATE OF MAILING

I hereby certify that this PRELIMINARY AMENDMENT is being deposited with the United States Postal Service by Express Mail Procedure in an envelope addressed to:

Assistant Commissioner for Patents, Box Patent Application, Washington, D.C., 20231 on

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In the Claims

Please cancel claims 1-6.

Please add new claims 7 - 14 as follows;

イ. A golf ball comprising:

a core;

an inner cover layer having a Shore D hardness of 60 or more molded on said core, said inner cover layer having a thickness of 0.100 to 0.010 inches, said inner cover layer comprising a blend of two or more low acid ionomer resins containing no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid; and

an outer cover layer having a Shore D hardness of 64 or less molded on said inner cover layer, said outer cover layer having a thickness of 0.010 to 0.70 inches, and said outer cover layer comprising a relatively soft polyurethane material.

The golf ball according to claim, wherein said golf ball has an overall diameter of 1.680 inches or more.

The golf ball according to claim, wherein said inner cover layer has a thickness of about 0.050 inches, said outer cover layer has a thickness of about 0.055 inches, and said golf ball has an overall diameter of 1.680 inches or more.

A multi-layer golf ball comprising: a spherical core;

an inner cover layer having Shore D hardness of about 60 or more molded over said spherical core, said inner cover layer comprising an ionomeric resin including no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid and having a modulus of from about 15,000 to about 70,000 psi; and

an outer cover layer having a Shore D hardness of about 64 or less disposed about said inner cover layer and defining a plurality of dimples



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to form a multi-layer golf ball, said outer cover layer comprising polyurethane 10 based material.

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5 A golf ball according to claim 10, wherein said inner cover layer has a thickness of about 0.100 to about 0.010 inches and said outer cover layer has a thickness of about 0.010 to about 0.70 inches, said golf ball having an overall diameter of 1.680 inches or more.

A golf ball according to claim 10 wherein said inner cover layer has a thickness of about 0.50 inches and said outer cover layer has a thickness of about 0.055 inches, said golf ball having an overall diameter of 1.680 inches or more.

A multi-layer golf ball comprising: a spherical core;

an inner cover layer molded over said spherical core to form a spherical intermediate ball, said inner cover layer having a Shore D hardness of at least 60, said inner cover layer comprising an ionomeric resin having no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid and having a modulus of from about 15,000 to about 70,000 psi; and

a dimpled outer cover layer molded over said spherical intermediate ball to form a multi-layer golf ball, said outer cover having a Shore D hardness of 64 or less, said outer layer comprising a polyurethane, said outer cover layer having a modulus in a range of about 1,000 to about 30,000 psi.

The multi-layer golf ball of claim 1,3 wherein the Shore D hardness of said outer cover layer is less than the Shore D hardness of said inner cover layer.





Respectfully submitted,

FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP

Richard M. Klein Reg. No. 33,000 Mark E. Bandy Reg. No. 35,788 1100 Superior Avenue Suite 700 Cleveland, OH 44114-2518 (216) 861-5582 Case 1:06-cy-00091-SLR Document 223-7 Filed 08/14/07 Page 7 of 62 PageID #: 4002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

3 2000

Michael J. Sullivan

FOR

IMPROVED MULTI-LAYER GOLF BALL

SERIAL NO.

09/470,196

FILED

December 21, 1999

ART UNIT -

3711

EXAMINER

M. Graham

ATTORNEY DOCKET NO.

SLD 2 035-3-3-1-1 P-3724-2-F1-C1

Cleveland, Ohio 44114

March 21, 2000

I hereby cortiny that this cor with the United States Pos an envelope addressed to Patents, Mashington, DC 2

Assistant Commissioner for Patents Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of the above-identified application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. 1.56.

This Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein on submitted herewith is "prior art" for this invention unless specifically designated as such.

In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. 1.56(b) exists.

The following list of art includes all patents, publications, or other information previously cited by or submitted to the Office in one or more prior applications from which the present application claims priority. These one or more prior applications are identified in the papers accompanying the filing of this

application. In accordance with §609 MPEP, it is not necessary to submit copies of the art listed below.

It is respectfully requested that the attached documents be considered and officially cited in examination of this application.

Respectfully submitted,

FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP

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Reg. No. 35,788

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Case 1:06-cy-00892-SLR Document 223-7 Filed 08/14/07 Page 9 of 62 PageID #: 4004

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TRADEMA Atty. Docket No.: SLD 2 035-3-3-1-1 Serial No.: 09/470,196 Subst. Form PTO-1449 P-3724-2-F1-C1 APPLICANT'S(S') INFORMATION Applicants: Sullivan DISCLOSURE STATEMENT Page 1 of 10 Filing Date: December 21, 1999 Group: 3711 **U.S. PATENT DOCUMENTS** Class Subcl. Filing Date Date Initial* Document No. Name 04/1953 Smith 2,741,480 09/1958 Muccino 2,973,800 3,053,539 06/1959 Piechowski 08/1966 3,264,272 Rees 09/1963 Bartsch 3,313,545 Brice 03/1968 3,373,123 05/1968 Brandt et al. 3,384,612 3,395,109 07/1968 Molitor et al. 04/1965 Smith et al. 3,458,205 03/1970 3,502,338 Cox 10/1970 Harrison et al. 3,534,965 3,572,721 03/1971 Harrison et al. 05/1975 Cox et al. 3,883,145 3,979,126 09/1976 Dusbiber 3,989,568 11/1976 Isaac FOREIGN PATENT DOCUMENTS Subcl. Translation? Class Document No. Date Country 10/1938 GB 494,031 01/1992 GB 2,245,580 03/1992 2,248,067 GB Ĉ 2,264,302 11/1992 GB Π 1996 GB 2,291,811 OTHER ART (1988)A General Reference Manual, "The Chemistry of Polyurethane Coatings," Mobay Corporation, Product Announcement, "New Polyurea System Offering Rapid Mold Times and Excellent Thermal Stability for Automotive Fascias Is Introduced by Mobay," PRNewswire, March 1, 1998 Cytec Industries, Inc., "TMXDI® (META) Aliphatic Isocyanates," brochure, pp. 2-11, 9/94 Bayer Corporation, "Engineering Polymers RIM and Part Mold Design," brochure, pp. 1-85, 5/95 Date Considered: Examiner: EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if in conformance and not considered. Include copy of this form with next communication to applicant.

Case 1:06-cv-00091-SLR Document 223-7 Filed 08/14/07 Page 10 of 62 PageID #: 4005



3 2000 Serial No.: 09/470.196 Subst. Form PTO-1449 Atty. Docket No.: SLD 2 035-3-3-1-1 P-3724-2-F1-C1 APPLICANT'S(S') INFORMATION Applicants: Sullivan DISCLOSURE STATEMENT Page 2 of 10 Group: 3711 Filing Date: December 21, 1999 **U.S. PATENT DOCUMENTS** Filing Date Subcl. Name Class Date Document No. Initial* 02/1978 Moore et al. 4,076,255 04/1978 Schenk 4,085,937 Dusbiber 10/1978 4,123,061 4,190,711 02/1980 Zdrahala et al. 08/1980 Weber et al. 4,218,543 Hewitt et al. 02/1981 4,248,432 4,272,079 06/1981 Nakade et al. 4,274,637 06/1981 Molitor 4,337,946 07/1982 Saito et al. w 4,431,193 02/1984 Nesbitt 8 04/1984 Kolycheck 4,442,282 × 4 02/1986 Yamada 4,570,937 04/1986 Dominguez et al. 4,582,887 4,590,219 05/1986 Nissen et al. 08/1986 Dominguez 4,607,090 03/1987 Molitor et al. 4,650,193 FOREIGN PATENT DOCUMENTS Class Subcl. Translation? Document No. Date Country 1996 GB 2,291,812 1994 Canada 2,137,841 1993 **EP Patent Application** 0,589,647 0,630,665 1994 **EP Patent Application** EP Patent Application 0,637,459 1994 OTHER ART Bayer Corporation, "Engineering Polymers Properties Guide Thermoplastics and Polyurethanes," brochure, pp. 2-7, 28-29 A Properties Guide, "Engineering Polymers Thermoplastics and Thermosets," Miles Inc., 1-23 (1994) Polyurethane Handbook, "Chemistry-Raw Materials-Processing Applications-Proeprties," edited by Oertel et al., Hanser/Gardner Publications, Inc., 101,102 (1994) Date Considered: Examiner: EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation

if in conformance and not considered. Include copy of this form with next communication to applicant.

3 2000 APR Subst. Form PTO-1449 TRADE Serial No.: 09/470,196 Atty. Docket No.: SLD 2 035-3-3-1-1 P-3724-2-F1-C1 APPLICANT'S(S') INFORMATION Applicants: Sullivan DISCLOSURE STATEMENT Page 3 of 10 Group: 3711 Filing Date: December 21, 1999 U.S. PATENT DOCUMENTS Filing Date Subcl. Name Class Document No. Date Initia[* 06/1987 Molitor et al. 4,674,751 07/1987 Melvin et al. 4,679,795 08/1987 Reiter 4,688,801 09/1987 Statz 4,690,981 4,695,055 9/1987 Newcomb et al. 12/1987 Nakahara et al. 4,714,253 08/1988 Molitor et al. 4,762,322 Berard 01/1989 4,798,386 07/1989 Shama 4,848,770 08/1989 Sullivan 4,852,884 08/1989 Gobush et al. 4,858,923 08/1989 Saito et al. 4,858,924 11/1989 Newcomb et al. 4,878,674 4,884,814 12/1989 Sullivan 茅門 111 4,911,451 03/1990 Sullivan et al. 04/1990 Saito 4,919,434 FOREIGN PATENT DOCUMENTS Subcl. Translation? Class Document No. Date Country OTHER ART Translated Claims for JP 1,795,357 publ. 1/19/93 DuPont NUCREL 035 Resin, DuPont Company, Wilmington, DE 1989 (no date)

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if in conformance and not considered. Include copy of this form with next communication to applicant.

ESCOR ACID TERPOLYMERS, EXXON Chemical Co.

Translated Claims for JP 1,771,941 publ. 8/6/92

Examiner:

Date Considered:

Case 1:06-cv-00091-SLR Document 223-7 Filed 08/14/07 Page 12 of 62 PageID #: 4007 3 2000 TA TRADEMAR Atty. Docket No.: SLD 2 035-3-3-1-1 Serial No.: 09/470,196 Subst. Form PTO-1449 P-3724-2-F1-C1 APPLICANT'S(S') INFORMATION Applicants: Sullivan DISCLOSURE STATEMENT Page 4 of 10 Group: 3711 Filing Date: December 21, 1999 U.S. PATENT DOCUMENTS Class Subcl. Filing Date Date Name Initial* Document No. 4,957,297 09/1990 Newcomb et al. 4,979,746 12/1990 Gentiluomo Yamada et al. 01/1991 4,984,804 01/1991 Sullivan 4,986,545 5,002,281 03/1991 Nakahara et al. 04/1991 Brown et al. 5,006,297 05/1991 Nakamura et al. 5,019,319 Gentiluomo 06/1991 5,026,067 07/1991 Edwards 5,035,425 09/1991 Meyer et al. 5,045,591 Chikaraishi et al. 5,048,838 09/1991 5,068,151 11/1991 Nakamura 3.00 Nakahara et al. 5,072,944 12/1991 Egashira et al. 5,096,201 03/1992 口 HAL 5,098,105 03/1992 Sullivan 04/1992 Gentiluomo 5,104,126 FOREIGN PATENT DOCUMENTS Subcl. Translation? Class Document No. Date Country OTHER ART Date Considered: Examiner:

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Case 1:06-cv-00091 St-R Document 223-7 Filed 08/14/07 Page 13 of 62 PageID #: 4008

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TO TRADENARY Subst. Form PTO-1449 Atty. Docket No.: SLD 2 035-3-3-1-1 Serial No.: 09/470,196 P-3724-2-F1-C1 APPLICANT'S(S') INFORMATION Applicants: Sullivan DISCLOSURE STATEMENT Page 5 of 10 Group: 3711 Filing Date: December 21, 1999 **U.S. PATENT DOCUMENTS** Class Subcl. Filing Date Date Name Initial* Document No. 06/1992 Sullivan 5,120,791 09/1992 5,142,835 Mrocca 09/1992 Molitor et al. 5,150,906 10/1992 Kitaoh et al. 5,156,405 02/1993 Kim et al. 5,184,828 02/1993 Sullivan 5,187,013 03/1993 5,197,740 Pocklington et al. 06/1993 Slack et al. 5,219,973 5,222,739 06/1993 Horiuchi et al. 09/1993 5,244,969 Yamada 10/1993 Viollaz 5,253,871 吊 5,273,286 12/1993 Sun M 12/1993 Molitor et al. 5,273,287 5,274,041 12/1993 Yamada 5,281,651 01/1994 Arjunan et al. 5,300,334 04/1994 Niederst et al. FOREIGN PATENT DOCUMENTS Translation? Date Class Subcl. Document No Country OTHER ART Date Considered: Examiner: EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if in conformance and not considered. Include copy of this form with next communication to applicant.

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Page 8 of 10		Filing Date: 1	December 21, 1999	Group: 3	711 .	
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•	5,803,831	09/1998	Sullivan et al.			
	5,810,678	09/1998	Cavallaro et al.			
	5,813,923	09/1998	Cavallaro et al.		<u></u>	REC
	5,816,937	10/1998	Shimosaka et al.		8 3	<u>C</u>
	5,820,488	10/1998	Sullivan et al.		¥ 0	<u> </u>
	5,820,489	10/1998	Sullivan et al.			
	5,820,491	10/1998	Hatch et al.			
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Subst. Form F	TO-1449	Atty. Docket	No.: SLD 2 035-3-3-1-1 P-3724-2-F1-C1	Serial No	o.: 09/470,19	6
APPLICANT'S	(S') INFORMATION RADEMAN	Applicants:	Sullivan			
Page 9 of 10		Filing Date:	December 21, 1999	Group:	3711	
		U.S. P.	ATENT DOCUMENTS			
Initial*	Document No.	Date	Name	Class	Subcl.	Filing Date
	5,827,167	10/1998	Dougan et al.		<u> </u>	
	5,830,087	11/1998	Sullivan et al.			
	5,833,553	11/1998	Sullivan et al.			
	5,833,554	11/1998	Sullivan et al.			
	5,836,833	11/1998	Shimosaka et al.			·
	5,849,168	12/1998	Lutz			
	5,856,388	01/1999	Harris et al.			
	5,863,264	01/1999	Yamagishi et al.			
	5,873,796	02/1999	Cavallaro et al.			
	5,885,172	03/1999	Hebert et al.			
r	5,888,437	03/1999	Calabria et al.	·		
	5,891,973	04/1999	Sullivan et al.			
4	5,897,884	04/1999	Calabria et al.			
	5,899,822	05/1999	Yamagishi et al.			
	5,902,192	05/1999	Kashiwagi et al.			計器
-	5,908,358	06/1999	Wu		Light	一一
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Examiner:	MINER: Initial if reference con	eidered whether	or not citation is in conforma			through citation
EXA if in o	miner: Initial if reference con- conformance and not consider	ed. Include copy	of this form with next commu	unication to appli	cant.	

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A TRADEMAC Atty. Docket No.: SLD 2 035-3-3-1-1 Serial No.: 09/470,196 Subst. Form PTO-1449 P-3724-2-F1-C1 APPLICANT'S(S') INFORMATION Applicants: Sullivan DISCLOSURE STATEMENT Page 10 of 10 Filing Date: December 21, 1999 Group: 3711 **U.S. PATENT DOCUMENTS** Subcl. Filing Date Class Name Document No. Date Initial* 07/1999 Boehm et al. 5,919,100 07/1999 Rajagopalan 5,919,862 <u>5,922,25</u>2 07/1999 Stanton et al. 5,929,189 07/1999 Ichikawa et al. 5,935,021 08/1999 Kashiwagi et al. 09/1999 Cavallaro et al. 5,947,842 09/1999 Calabria et al. 5,947,843 09/1999 Vedula et al. 5,959,059 Umezawa et al. 11/1999 5,976,035 5,984,807 11/1999 Wai et al. 111 m FOREIGN PATENT DOCUMENTS Sub Translation? Class Country Date Document No. OTHER ART Date Considered: Examiner: EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if in conformance and not considered. Include copy of this form with next communication to applicant.

C:\DATAIMEBISL203531.449

Please recognize Diane F. Covello, Registration No. 34,164, as my associate attorney in the above-referenced patent application as follows:

Diane F. Covello, Esq.

(413) 322-2466

Patent Counsel Spalding Sports Worldwide 425 Meadow Street P.O. Box 901 Chicopee, MA 01021-0901, USA JUH-6 2083

If you have any questions, please contact me.

Respectfully submitted,

Zumite

Reg. No. 33,000

Phone (216) 861-5582

DFC/db

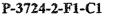
Date: 3/21/2004

Richard M. Klein, Esq.
Attorney for Applicant
Fay, Sharpe, Fagan, Minnich &
McKee, LLP
1100 Superior Avenue
Seventh Floor
Cleveland, Ohio 44114-2518

mailed via 1st class mail to 10 5/30/2000

Case 1:06-cv-00091-SLR Document 223-7 Filed 08/14/07 Page 20 of 62 PageID #: 4015 pelelfl





PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael J. Sullivan et al

IMPROVED MULTILAYER GOLF BALL

Serial No:

09/470,196

Group Art Unit: Unassigned

Filed.

December 21, 1999

Examiner:

Unassigned

Assistant Commissioner for Patents

ATTN: Application Processing Division

Washington, DC 20231

Customer Correction Branch

Sir:

STATUS OF FILING RECEIPT

Attached is a copy of the Application Transmittal Letter which we submitted to the Patent Office (Box Patent Application) via Express Mail #EL 530711612 on December 21, 1999 for the above-identified patent application. As you can see by the copy of the PTO returned, stamped postcard, the documents were date stamped 12/21/99 and assigned 09/470196 by the Patent and Trademark Office stamp. On page 2 of the Application Transmittal Letter it is requested that we receive all PTO correspondence. Additionally, we have provided a copy of the Associate Power of Attorney we have recently filed.

Please provide us with either a Filing Receipt per our request or provide us with a status for the same matter.

Respectfully submitted,

Michael J. Sullivan et al

Reg. No. 34,164 (413) 322-2466

Date:

Enclosures

CC:

Richard M. Klein, Esq. (SLD 2 035-3-3-1-1)

By: Diane F. Covello, Patent Counsel Spalding Sports Worldwide, Inc. 425 Meadow Street, P.O. Box 901 Chicopee, Massachusetts 01021-0901

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

 $\underline{\mathbf{x}}$

deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office.

(type or print name)

Form 3.54 Division-continuation program application transmost of 37 C.F.R. 1.53(b)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Docket No. P-3724-2-F1-C1 SLD 2 035-3-3-1-1

IN RE APPLICATION OF: Michael J. Sullivan

Prior application: 08/870,585 Examiner: M. Graham

Art Unit: 3711

The Assistant Commissioner for Patents Washington, D.C. 2023l Box Patent Application

Sir:

This is a request for filing a continuation application under 37 C.F.R. 1.53(b), of pending prior application U.S. Serial No. 08/870,585; filed on June 6, 1997.

For: IMPROVED MULTI-LAYER GOLF BALL

- 1. Papers Enclosed Which Are Required For Filing Date under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application
 - 48 Pages of specification
 - 3 Pages of claims
 - 1 Page of Abstract
 - 1 Sheets of drawing FIGS.
- 2. xxx A PRELIMINARY AMENDMENT is enclosed. Please enter this Preliminary Amendment before calculation of the filing fees.
- 3. xxx The filing fee is calculated below.

		PLICATION LESS ANY CLA IARY AMENDMENT						
Basic Filing Fee (Large Entity) \$ 760.00								
		No. of Extra Claims Present	Additional Rate					
Total Claims	8	0	\$ 0.00					
Indep. Claims	3	0	\$ 0.00					

Total fee

\$760.00

CERTIFICATE OF EXPRESS MAIL

hereby	certify	that	this	TRANSMIT	ITAL	LETTER,	CONTINU	NOITAL	APPL	ICATION	AND	FILING	FEE,	and
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- 4. xxx A check in the amount of \$760.00 is enclosed.
- 5. xxx The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 06-0308.
- The prior application is assigned of record to Lisco, Inc., presently of record to Spalding Sports Worldwide, Inc. A copy of the assignment in the prior application is enclosed
- 7. xxx The power of attorney in the prior application is to Donald R. Bahr, Reg. No. 21,011; Christopher B. Fagan, Reg. No. 22,987; Richard M. Klein, Reg. No. 33,000. A copy of the power in the prior application is enclosed. Please address all future communications to:

Diane Covello, Esq.
Patent Counsel
Spalding Sports Worldwide, Inc.
425 Meadow Street
PO Box 901
Chicopee, MA 01021-0901

12/21/9

Date

Richard M. Klein

Reg. No. 33,000

Mark E. Bandy

Reg. No. 35,788

FAY, SHARPE, FAGAN,

MINNICH & McKEE, LLP 1100 Superior Avenue, 7th Floor

Cleveland, Ohio 44114

(216) 861-5582

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ATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

SC

ATTORNEY DOCKET NO. FIRST NAMED INVENTOR APPLICATION NO. FILING DATE M P-3724-2-F1-SULLIVAN 12/21/99 09/470,196 **EXAMINER** QM12/0523 GRAHAM, M DONALD R BAHR ESQ SPALDING & EVENFLO COMPANIES INC ART UNIT PAPER NUMBER 5730 NORTH HOOVER BOULEVARD 3711 TAMPA FL 33634 DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED	INVENTOR			RNEY DOCKET NO.
09/470.196	12/21/99	SULLIVAN		M	P-31	724-2-F1-
DIANE COVELL SPALDING SPO		OM21/0626	一	GRAHA	EXAN M.M	INER
425 MEADOW S P.O. BOX 901 CHICOPEE MA	TREET			3711 DATE MAIL		PAPER NUMBER

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

	, ''	Applicant(s)				
Office Action Summary	09/470,196	<u> </u>	Sullivan			
Office Action Summary	Examiner Mark S. Grah	ıam	Group Art Unit 3711			
Responsive to communication(s) filed on <u>Dec 21, 19</u>	99			Anna ann ann an ann ann ann ann ann ann		
This action is FINAL .						
Since this application is in condition for allowance ex in accordance with the practice under Ex parte Quay	le, 1935 C.D. 11; 453	O.G. 213.				
A shortened statutory period for response to this action is longer, from the mailing date of this communication, application to become abandoned. (35 U.S.C. § 133). 37 CFR 1.136(a).	Failure to respond within	in the perio	d for response v	will cause the		
Disposition of Claims						
Of the above, claim(s)		is/are w	rithdrawn from	consideration.		
Claim(s)			s/are allowed.			
Claim(s)				o.		
☐ Claims						
 ☑ See the attached Notice of Draftsperson's Patent ☐ The drawing(s) filed on is/a ☐ The proposed drawing correction, filed on ☐ The specification is objected to by the Examiner. ☐ The oath or declaration is objected to by the Exam 	re objected to by the Ex is □ap	aminer.	_disapproved.			
Priority under 35 U.S.C. § 119 Acknowledgement is made of a claim for foreign All Some* None of the CERTIFIED received. received in Application No. (Series Code/S received in this national stage application for *Certified copies not received: Acknowledgement is made of a claim for domes.	erial Number)	cuments ha	ve been _ · Rule 17.2(a)).	•		
Attachment(s) Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review Notice of Informal Patent Application, PTO-152						
SEE OFFICE ACT	ION ON THE FOLLOWING	PAGES				

U. S. Patent and Trademark Office PTO-326 (Rev. 9-95)

Office Action Summary

Part of Paper No. 3





Page 2

Application/Control Number: 09/470,196

Art Unit: 3711

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 7-14 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-6 of copending Application No. 08/870,585. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: A golf ball comprising a hard inner layer and a soft outer layer wherein the inner layer is formed of a blend of low acid ionomers containing no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.





Page 3

Application/Control Number: 09/470,196

Art Unit: 3711

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, each of the critical features now claimed but not apparent to the eye must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Proudfit, Nesbitt, and Nakamura have been cited for interest because they disclose similar balls.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number (703) 308-1355.

MSG May 19, 2000

CW 0307923

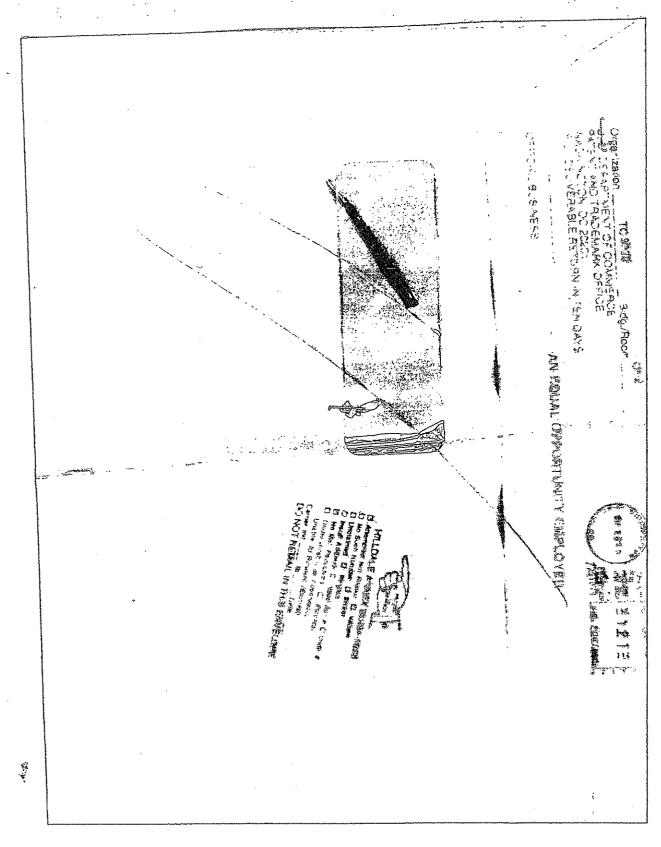
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U. S. Patent and Trademark Office PTO-892 (Rev. 9-95)

Notice of References Cited

Part of Paper No. 3

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, Bib Data Sheet



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

SERIAL NUMBER 09/470,196	FILING DATE 12/21/1999 RULE _	CLASS 473	GROUP ART UN 3711	ATTORNEY DOCKET NO. P-3724-2-F1-	-
APPLICANTS MICHAEL J. SUI	LIVAN, CHICOPEE, M	IA;			
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SPALDING SPORTS V 425 MEADOW STREE P.O. BOX 901	T		· .		
CHICOPEE ,MA 01021	-0901				
IMPROVED MULTI-LA	YER GOLF BALL				
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Michael J. Sullivan

FOR

IMPROVED MULTI-LAYER GOLF BALL

SERIAL NO.

09/470,196

FILED

December 21, 1999

ART UNIT

3711

EXAMINER

M. Graham

LAST OFFICE ACTION

June 26, 2000

ATTORNEY DOCKET NO.

P3724-2-F1-C1 (SLD 2 035-3-3-1-1)

Cleveland, Ohio 44114-2518 September 14, 2000

RESPONSE

Assistant Commissioner for Patents Washington, DC 20231

Dear Sir:

This is in response to the Office Action mailed June 26, 2000.

In that Action, the Examiner provisionally rejected all claims, claims 7-14, for obviousness-type double patenting based upon claims 1-6 of copending application Serial No. 08/870,585.

Applicant herewith submits a terminal disclaimer to overcome that double patenting rejection.

The Examiner also objected to the drawings.

CERTIFICATE OF MAILING

I hereby certify that this Response and associated papers are being deposited with the United States Postal Service by first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on

By: Mary and Terresvari

CW 0307927

KEUEIVED

Applicant herewith submits formal drawings that are believed to remedy the Examiner's concerns.

In view of the foregoing, Applicant respectfully requests early allowance of all pending claims 7-14.

Respectfully submitted,

FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP

Richard M. Klein

Reg. No. 33,000

Mark E. Bandy

Reg. No. 35,788 1100 Superior Avenue

Suite 700

Cleveland, OH 44114-2518

(216) 861-5582





F

AMENDMENT TRANSMITTAL LETTER

ATTORNEY'S DOCKET NO.: SLD 2 035-3-3-1-1

P 3724-2-F1-C1

Serial No.: 09/470,196 Filing Date: December 21, Examiner: M. Graham
1999

Group Art Unit: 3711 Invention: IMPROVED MULTI-LAYER GOLF BALL

To the Assistant Commissioner of Patents:

Transmitted herewith is a Response in the above-identified application.

The fee has been calculated as shown below.

	CLAIMS AS AMENDED											
	Claims remaining after amendment		Highest Number Previously Paid For	No. of Extra Claims Present	Rate	Additional Rate						
Total Claims	8	Minus	20	0	x 22.00	\$ 0.00						
Indep. Claims	3	Minus	3	0	x 82.00	\$ 0.00						

<u> </u>	No additional fee is required.
	A check in the amount of \$ is enclosed.
	Applicants hereby petition the Commissioner under 37 C.F.R. §1.136(a) and requests a extension of time to respond to the outstanding Office Action. A check in the amount of \$ is enclosed.
X	Please charge any additional fees or credit overpayment to Deposit Account No. 06-0308.
x	Applicant(s) hereby petitions the Commissioner under 37 C.F.R. §1.136(a) and requests any additional extensions of time that may be necessary and authorize the extension of time

fees to be charged to Deposit Account No. 06-0308.

Date: September 14, 2000

Respectfully submitted,

FAY, SHARPE, FAGAN
MINNICH & MCKEE, LLP

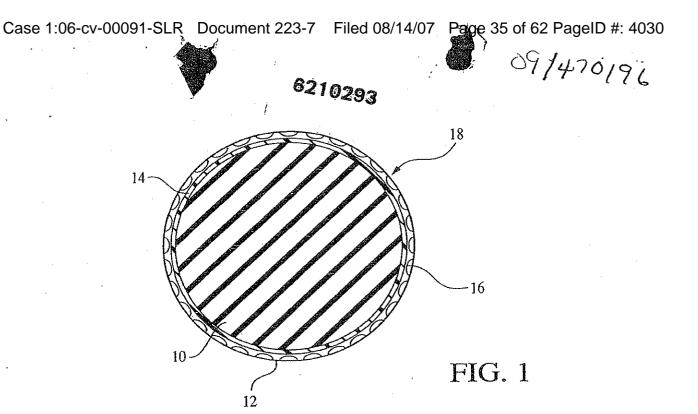
Richard M. Klein
Reg. No. 33,000
Mark E. Bandy
Reg. No. 35,788
1100 Superior Avenue, 7th Flood
Cleveland, Ohio 44114-2518
(216) 861-5582

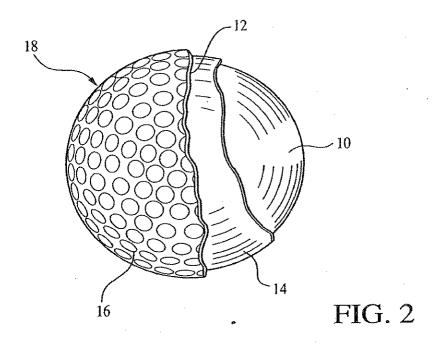
Mailing Certificate

I hereby certify that this TRANSMITTAL and associated papers, are being deposited with the United States Postal Service as First Class Mail procedure in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231 on

Mary Ann Temesvari

CW 0307929







TelH. DISCLAIMER

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Michael J. SULLIVAN

For

IMPROVED MULTI-LAYER GOLF BALL

Serial No.

09/470,196

Filed

December 21, 1999

Group Art Unit

3711

Examiner

M. Graham

Last Office Action

August 2, 1999

SLD 2 035-3-3-1-1 (P-3724-2-F1-C1)

Attorney Docket No.

(1-0124-2-11-01)

Cleveland, Ohio 44114-2518 September 14, 2000

Assistant Commissioner for Patents Washington, D.C. 20231

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION (37 CFR 1.321(b))

Identification Of Person Making This Disclaimer:

Name of disclaimant Richard M. Klein

Business Address 1100 Superior Avenue, Suite 700

Cleveland, Ohio 44114-2518

represent that I am

___ an inventor of this invention

___ an assignee of this invention

x a representative authorized to sign and empowered to act on behalf of the assignee identified below.

09/19/2000 CCHAU1 00000025 09470196

01 FC:148

110.00 OP



Identity of Assignee and Title of Disclaimant:

The Assignee is
Name of Assignee _ Spalding Sports Worldwide, Inc.
Address of Assignee 425 Meadow Street
Chicopee, MA 01021-0901

Title of disclaimant authorized to sign on behalf of

Assignee: Attorney of Record

Extent of Interest

The extent of interest is in

the whole of the invention __X__ I state that the relevant evidentiary documents have been reviewed, and certify that to the best of my knowledge and belief, title is in the assignee taking this action.

Disclaimer

I hereby disclaim the terminal part of any patent granted on the aboveidentified application, which would extend beyond the expiration date of the full statutory term of any patent granted on :

Application Number 08/870,585, filed on June 6, 1997

and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on

Application Number 08/870,585, filed on June 6, 1997 Х

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any patent granted on

Application Number 08/870,585, filed on June 6, 1997, as presently shortened by any terminal disclaimer

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a competent jurisdiction, is statutorily

disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer except for the separation of legal title stated above.

Fee Status

(37 CFR 1.20(d) and 37 CFR 1.321)

- X other than a small entity fee \$ 110.00
 small entity fee \$ 55.00
 X Attached is a check in the amount of \$ 110.00
 x Charge Deposit Account No. 06-0308 for any fee def
 - x Charge Deposit Account No. <u>06-0308</u> for any fee deficiency required by this paper. A duplicate copy of this disclaimer is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Richard M. Klein Reg. No. 33,000
FAY, SHARPE, FAGAN,
MINNICH & McKee, LLP
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44115-2518
(216) 861-5582

Attorney for Assignee





UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

024492 SPALDING SPORTS WORLDWIDE INC 425 MEADOW STREET PO BOX 901 CHICOPEE MA 01021-0901

APPLIC	CATION NO	FILING DATE	TOTAL CLAIMS	. EXAMINER AND GROUP ART UNIT		DATE MAILED
	09/470,196	12/21/99	008	GRAHAM, M	3711	11/02/00
First Named Applicant	SULLIVAN,		35 U	SC 154(b) term ext. =	ט ענ	:ys.

TITLE OF IMPROVED MULTI-LAYER GULF BALL INVENTION IMPROVED MULTI-LAYER GULF BALL

ATTY'S D	OCKET NO	CLASS-SUBCLASS	BATCH NO.	APPL	N. TYPE	SMALL ENTIT	Y FEE DUE	DATE DUE
3	F-3724-2-	-F1- 473	374.000	U48	UTILI	TY NO	\$1240.0	0 02/02/01
i								

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN <u>THREE MONTHS</u> FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. <u>THIS STATUTORY PERIOD CANNOT BE EXTENDED.</u>

HOW TO RESPOND TO THIS NOTICE:

- Review the SMALL ENTITY status shown above.
 If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:
 - A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
 - B. If the status is the same, pay the FEE DUE shown above.
- If the SMALL ENTITY is shown as NO:
- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.
- II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.
- III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

patent and trademark office copy

PTOL-85 (REV. 10-96) Approved for use through 06/30/99. (0651-0033)







· Notice of Allowability

Application No. 09/470,196

Applicant(s)

Sullivan

Examiner

Mark S. Graham

Group Art Unit 3711

· · · · · · · · · · · · · · · · · · ·
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.
X This communication is responsive to terminal disclaimer filed 9/18/00
X The allowed claim(s) is/are 7-14
∑ The drawings filed on Sep 18, 2000 are acceptable.
☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.
received in Application No. (Series Code/Serial Number)
received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
*Certified copies not received:
Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).
□ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
Applicant MUST submit NEW FORMAL DRAWINGS
because the originally filed drawings were declared by applicant to be informal.
including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No
including changes required by the proposed drawing correction filed on, which has been approved by the examiner.
including changes required by the attached Examiner's Amendment/Comment.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal lettler addressed to the Official Draftsperson.
☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.
Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.
Attachment(s)
☐ Notice of References Cited, PTO-892
☐ Information Disclosure Statement(s), PTO-1449, Paper No(s).
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
□ Notice of Informal Patent Application, PTO-152
Examiner's Amendment/Comment
 Examiner's Comment Regarding Requirement for Deposit of Biological Material Examiner's Statement of Reasons for Allowance
O Evanine a atatement of treasure to the Analysis
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U. S. Patent and Trademark Office PTO-37 (Rev. 9-95)

Notice of Allowability

Part of Paper No.



Case 1:06-cv-00091-SLR Document 223-7 Filed 08/14/07 Page 41 of 62 PageID #: 4036

'Application/Control Number: 09/470,196

Page 2

Art Unit: 3711

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 7, line 10, "0.70" has been replaced with --0.070--.

In claim 11, line 3, "0.70" has been replaced with -- 0.070--.

In claim 12, line 2, "0.50" has been replaced with --- 0.050--.

The above changes have been made to correct several minor typos.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number (703) 308-1355.

MSG November 1, 2000

CW 0307936

Sullivan







Applicant(s)

Application No. 09/470,196

Interview Summary Group Art Unit Examiner 3711 Mark S. Graham All participants (applicant, applicant's representative, PTO personnel): (1) Mark S. Graham (2) Mark Bandy Date of Interview Nov 1, 2000 \boxtimes Telephonic \square Personal (copy is given to \square applicant \square applicant's representative). Exhibit shown or demonstration conducted: Yes No. If yes, brief description: Claim(s) discussed: 7, 11, and 12 Identification of prior art discussed: None Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Agreed to changes embodied in examiner's amendment. (A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendents which would render the claims allowable is available, a summary thereof must be attached.) 1. 🛛 It is not necessary for applicant to provide a separate record of the substance of the interview. Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked. Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

U. S. Patent and Trademark Office PTO-413 (Rev. 10-95)

Interview Summary

Paper No.

PART B-ISSUE FEE TRANSMITTAL ithe reitherstanding eins **Box ISSUE FEE** Complete as librable fees, to: Assistant Commissioner for Fatents Washington, D.C. 20231 FED 0:1 2021 should be used for transmitting the ISSUE FEE. Blocks 1 MAILING INSTITUTE TIONS: This to should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used to transmitting the ISSUE FEE. Blocks 1 through 4 should be used to transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be used for transmitting the ISSUE FEE. Blocks 2 through 4 should be used for transmitting the ISSUE FEE. Blocks 2 through 4 should be used for transmitting the ISSUE FEE. Blocks 2 through 4 should be used for transmitting the ISSUE FEE. Blocks 3 through 4 should be used for transmitting the ISSUE FEE. Blocks 3 through 4 should be used for transmitting the ISSUE FEE. Blocks 3 through 4 should be used for transmitting the ISSUE FEE. Blocks 3 through 4 should be used for transmitting the ISSUE FEE. Blocks 3 through 4 should be used for transmitting the ISSUE FEE. Blocks 3 through 4 should be used for transmitting the ISSUE FEE. Blocks 3 through 4 should be used for transmitting the Note: The certificate of mailing below can only be used for mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing. correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" Certificate of Mailing maintenance fee notifications. I hereby certify that this Issue Fee Transmittal is being deposited with CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1) the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on QM22/1102 024492 the date indicated below. SPALDING SPORTS WORLDWIDE INC 425 MEADOW STREET PO BOX 901 Nolar CHICOPEE MA 01021-0901 ରବ । (Date) EXAMINER AND GROUP ART UNIT DATE MAILED TOTAL CLAIMS FILING DATE APPLICATION NO. 11/02/00 3711 GRAHAM. 008 12/21/99 09/470,196 0 Days. 35 USC 154(b) term ext. First Named SULLIVAN, Applicant INCENTION IMPROVED MULTI-LAYER GOLF BALL FEE DUE DATE DUE CLASS-SUBCLASS BATCH NO. APPLN, TYPE SMALL ENTITY ATTY'S DOCKET NO. 02/02/01 \$1240.00 **U48** UTILITY NO 473-374.000 P-3724-2-F1-61 For printing on the patent front page, list
 the names of up to 3 registered patent 1: Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required. attorneys or agents OR, atternatively, (2) a single firm (having as a Change of correspondence address (or Change of Correspondence Address form me' registered attorney or agent) PTO/SB/122) attached. ames of up to 2 registered patern The Address' Indication (or "Fee Address" Indication form PTO/SB/47) attached. attornovs or agents. If no name is listed, no name will be printed. 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type) 4a. The following fees are enclosed (make check payable to Commissioner PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent of Patents and Yrade manks): Inclusion of assignee data is only appropriate when an assignment has been previously submitted to Issue Fee the PTO or is being submitted under separate cover. Completion of this form is NOT a substitue for Advance Order - # of Copies. (A) NAME OF ASSIGNEE Spalding Sports Worldwide, Inc. 4b. The following fees or deficiency in these fees should be charged to: DEPOSIT ACCOUNT NUMBER 17-0150 (B) RESIDENCE (CITY & STATE OR COUNTRY) Chi Copes, MA (ENCLOSE AN EXTRA COPY OF THIS FORM) Please chack the appropriate assignee category indicated below (will not be printed on the patent) Kissue Fee Corporation or other private group entity government ☐ Advance Order - # of Cople® ☐ Individual The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above. (Date) (Authorized Signature) 1-29-01 Covello Keg#34,164 BMGIYEN2 00000083 170150 NOTE; The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office. Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. TRANSMIT THIS FORM WITH FEE Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE PTOL-858 (REV.10-96) Approved for use through 06/30/99. OMB 0651-0033



UNITED STATES PATENT AND TRADEMARK OFFICE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE Alexandria, Virginia 22313

Patent No. 6210293

Paper No. 10

NOTICE OF INTER PARTES REEXAMINATION

Notice is hereby given that a request for *inter partes* reexamination of U.S. Patent No.

6210293 was filed on 1-17-06 under 35 U.S.C. 311(a) and

37 CFR 1.913.

The reexamination proceeding has been assigned Control No. 95/000, 120.

This Notice incorporates by reference into the <u>patent file</u>, all papers entered into the reexamination file.

Note: This Notice should be entered into the patent file and given a paper number.

03/22/2006 08:17 FAX 612 288 9696

FISH AND RICHARDSON

Ø 001/015

COPY FOR PATENT

OFFICIAL COMMUNICATION FACSIMILE

CENTRAL REEXAMINATION UNIT (FAX NO: 571-273-9900)

Number of pages including this page	15	
In re Sullivan Reexamination Proceeding Control No.: 95/000,120 Filed: January 17, 2006 For: U.S. Patent No. 6,210,293)) Examiner: Michael W. O'Neill) Art Unit: 3993)	
In re Sullivan Reexamination Proceeding Control No.: 95/000,121 Filed: January 17, 2006 For: U.S. Patent No. 6,503,156)) Examiner: Michael W. O'Neill) Art Unit: 3993)	FAX RECEIVED MAR 2 2 2006
In re Sullivan Reexamination Proceeding Control No.: 95/000,122 Filed: January 17, 2006 For: U.S. Patent No. 6,506,130)) Examiner: Michael W. O'Neill) Art Unit: 3993)	REEXAM UNIT
In re Sullivan Reexamination Proceeding Control No.: 95/000,123 Filed: January 17, 2006 For: U.S. Patent No. 6,595,873)) Examiner: Michael W. O'Neill) Art Unit: 3993)	

The following documents are attached to this facsimile communication cover sheet, which was facsimiled to the United States Patent and Trademark Office on March 22, 2006: Revocation and New Power of Attorney documents and a Certification Under 37 C.F.R. § 1.903.

Respectfully submitted,

Date: March 22, 2006

Derothy P. Whelan (Reg. No. 33,814) J. Patrick Finn III (Reg. No. 44,109)

Fish & Richardson P.C., P.A. 60 South Sixth Street, Suite 3300 Minneapolis, MN 55402 Telephone: (612) 335-5070 Fax: (612) 288-9696

NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at (612) 335-5070 to arrange for its return. Thank you.

PAGE 1/15 * RCVD AT 3/22/2006 9:19:43 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-2/10 * DNIS:2739900 * CSID:612 288 9696 * DURATION (mm-ss):07-38

03/22/2006 08:18 FAX 612 288 9696

FISH AND RICHARDSON

Ø1002/015 .

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. Issue Date

: 6,210,293 : April 3, 2001

Applicant

: Michael J. Sullivan

Reexamination Proceeding

Control No. : 95/000,120

Art Unit

Filed

: January 17, 2006

Examiner: Michael W. O'Neill

Central Reexamination Unit Facsimile: 571-273-9900

REVOCATION AND NEW POWER OF ATTORNEY

Under 37 C.F.R. § 3.73(b), CALLAWAY GOLF COMPANY, INC., a corporation of Delaware, certifies that it is the assignee of 100% of the right, title and interest in the abovereferenced patent by virtue of:

- A chain of title from the inventor of the above-referenced patent to the current assignee as shown below. The reel and frame numbers of the recorded assignments or other documents in the chain of title are provided:
- Assignment from Michael J. Sullivan to Spalding Sports Worldwide, Inc., recorded in the U.S. Patent and Trademark Office at Reel 7750, Frame 0242 on November 9, 1995, for parent patent application Serial No. 08/556,237.
- Name change from Spalding Sports Worldwide, Inc. to The Top-Flite Golf Company, recorded in the U.S. Patent and Trademark Office at Reel 013712, Frame 0219 on June 2, 2003.
- Assignment from The Top-Flite Golf Company to Callaway Golf Company, 3. recorded in the U.S. Patent and Trademark Office at Reel 014007, Frame 0688 on September 26, 2003.

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated

Signature

PAGE 2/15* RCVD AT 3/22/2006 9:19:43 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-2/10* DNIS:2739900 * CSID:612 288 9696 * DURATION (mm-ss):07-38

03/22/2006 08:18 FAX 612 288 9696

FISH AND RICHARDSON

Ø 003/015

Patent No. : Issued

6,210,293

Applicant

April 3, 2001 Michael J. Sullivan

Reexamination Proceeding

Control No.: 95/000,120 Filed

January 17, 2006

Page

2 of 3

To the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

The undersigned, acting on behalf of the assignee, hereby revokes all powers of attorney previously granted in the above-referenced patent and appoints:

Dorothy P. Whelan, Reg. No. 33,814	Mark S. Ellinger, Ph.D., 33,812
Ronald C. Lundquist, Ph.D., Reg. No. 37,875	Richard J. Anderson, Reg. 36,732
J. Patrick Finn III, Ph.D., Reg. No. 44,109	John F. Hayden, Reg. No. 37,640
M. Angela Parsons, Ph.D., Reg. No. 44,282	John C. Phillips, Reg. No. 35,322
Teresa A. Lavoic, Ph.D., Reg. No. 42,782	Michael Catania, Rcg. No. 36,474

with full power of substitution and revocation, to prosecute the above-referenced reexamination proceeding and to transact all business in the United States Patent and Trademark Office in connection with the above-referenced patent.

All correspondence regarding the application should be sent to:

Dorothy P. Whelan Fish & Richardson P.C. P.O. Box 1022 Minneapolis, MN 55440-1022

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States 03/22/2008 08:19 FAX 612 288 9696

FISH AND RICHARDSON

Ø 004/015

Patent No. :

6,210,293

Issued :

April 3, 2001

Applicant :

Michael J. Sullivan

Reexamination Proceeding

Control No.: 95/000,120

Filed

January 17, 2006

Page

3 of 3

Code and that such willful false statements may jeopardize the validity of the above-referenced patent.

Respectfully submitted,

CALLAWAY GOLF COMPANY

Date: March VI, 2006

Mighael J. Rider, Esq. Title: Senior Vice President,

General Counsel

6210293.doc

03/22/2006 08:19 FAX 612 288 9696

FISH AND RICHARDSON

@ 005/015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. Issue Date

: .6,503,156 : January 7, 2003

Applicant

Filed

: Michael J. Sullivan

Reexamination Proceeding

Control No.: 95/000,121

: January 17, 2006

Art Unit : 3993

Examiner: Michael W. O'Neill

Central Reexamination Unit Facsimile: 571-273-9900

REVOCATION AND NEW POWER OF ATTORNEY

Under 37 C.F.R. § 3.73(b), CALLAWAY GOLF COMPANY, INC., a corporation of Delaware, certifies that it is the assignee of 100% of the right, title and interest in the abovereferenced patent by virtue of:

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Typed or Printed Name of Person Signing Certificat

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03/22/2006 08:19 FAX 612 288 9696

FISH AND RICHARDSON

Ø1008/015

6,503,156 Patent No. : January 7, 2003 Issued

Michael J. Sullivan Applicant :

Reexamination Proceeding

Page

95/000,121 Control No.: Filed January 17, 2006 2 of 3

To the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

The undersigned, acting on behalf of the assignee, hereby revokes all powers of attorney previously granted in the above-referenced patent and appoints:

Dorothy P. Whelan, Reg. No. 33,814	Mark S. Ellinger, Ph.D., 33,812
Ronald C. Lundquist, Ph.D., Reg. No. 37,875	Richard J. Anderson, Reg. 36,732
J. Patrick Finn III, Ph.D., Reg. No. 44,109	John F. Hayden, Reg. No. 37,640
M. Angela Parsons, Ph.D., Reg. No. 44,282	John C. Phillips, Reg. No. 35,322
Teresa A. Lavoic, Ph.D., Reg. No. 42,782	Michael Catania, Reg. No. 36,474

with full power of substitution and revocation, to prosecute the above-referenced reexamination proceeding and to transact all business in the United States Patent and Trademark Office in connection with the above-referenced patent.

All correspondence regarding the application should be sent to:

Dorothy P. Whelan Fish & Richardson P.C. P.O. Box 1022 Minneapolis, MN 55440-1022

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Case 1:06-cv-00091-SLR Document 223-7 Filed 08/14/07 Page 51 of 62 PageID #: 4046

03/22/2006 08:20 FAX 812 288 9696

FISH AND RICHARDSON

@ 007/015

Patent No.

6,503,156

Issued : . Applicant :

: January 7, 2003

Reexamination Proceeding

Michael J. Sullivan

Control No. : 95/000,121

January 17, 2006

Page

3 of 3

Code and that such willful false statements may jeopardize the validity of the above-referenced patent.

Respectfully submitted,

CALLAWAY GOLF COMPANY

Date: Mmch V1, 2006

Michael J. Rider, Esq.

Title: Senior Vice President, General Counsel

(EG)

6503156.doc

03/22/2006 08:20 FAX 612 288 9696

FISH AND RICHARDSON

Ø 008/015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.

: 6,506,130

Issue Date

: January 14, 2003

Applicant

: Michael J. Sullivan

Reexamination Proceeding

Control No.: 95/000,122

Art Unit

: January 17, 2006

Examiner: Michael W. O'Neill

Central Reexamination Unit Facsimile: 571-273-9900

REVOCATION AND NEW POWER OF ATTORNEY

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- A chain of title from the inventor of the above-referenced patent to the current assignee as shown below. The reel and frame numbers of the recorded assignments or other documents in the chain of title are provided.
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Signature

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PAGE 8/15 * RCVD AT 3/22/2006 9:19:43 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-2/10 * DNIS:2739900 * CSID:612 288 9696 * DURATION (mm-ss):07-38

03/22/2006 08:21 FAX 612 288 9696

FISH AND RICHARDSON

Z 009/015

Patent No. :

6,506,130

Issued

January 14, 2003

Applicant :

Michael J. Sullivan

Reexamination Proceeding Control No. : 95/000,13

95/000,122 January 17, 2006

Filed Page

2 of 3

To the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

The undersigned, acting on behalf of the assignee, hereby revokes all powers of attorney previously granted in the above-referenced patent and appoints:

Dorothy P. Whelan, Reg. No. 33,814	Mark S. Ellinger, Ph.D., 33,812
Ronald C. Lundquist, Ph.D., Reg. No. 37,875	Richard J. Anderson, Reg. 36,732
J. Patrick Finn III, Ph.D., Reg. No. 44,109	John F. Hayden, Reg. No. 37,640
M. Angela Parsons, Ph.D., Reg. No. 44,282	John C. Phillips, Reg. No. 35,322
Teresa A. Lavoie, Ph.D., Reg. No. 42,782	Michael Catania, Reg. No. 36,474

with full power of substitution and revocation, to prosecute the above-referenced reexamination proceeding and to transact all business in the United States Patent and Trademark Office in connection with the above-referenced patent.

All correspondence regarding the application should be sent to:

Dorothy P. Whelan Fish & Richardson P.C. P.O. Box 1022 Minneapolis, MN 55440-1022

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

03/22/2006 08:21 FAX 612 288 9696

FISH AND RICHARDSON

@010/015

Patent No. :

6,506,130

Issued

: January 14, 2003

Applicant : Michael J. Sullivan

Reexamination Proceeding

Control No.: 95/000,122

Filed: January 17, 2006

Page

; 3 of 3

Code and that such willful false statements may jeopardize the validity of the above-referenced patent.

Respectfully submitted,

CALLAWAY GOLF COMPANY

Title: Senior Vice President, General Counsel



6506130.doc

03/22/2006 08:22 FAX 612 288 9696

FISH AND RICHARDSON

Ø1011/015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. Issue Date

: 6,595,873 : July 22, 2003

Applicant

: Michael J. Sullivan

Reexamination Proceeding

Control No.: 95/000,123

Art Unit : 3993

Filed

: January 17, 2006

Examiner: Michael W. O'Neill

Central Reexamination Unit Facsimile: 571-273-9900

REVOCATION AND NEW POWER OF ATTORNEY

Under 37 C.F.R. § 3.73(b), CALLAWAY GOLF COMPANY, INC., a corporation of Delaware, certifies that it is the assignee of 100% of the right, title and interest in the abovereferenced patent by virtue of:

- A chain of title from the inventor of the above-referenced patent to the current assignee as shown below. The reel and frame numbers of the recorded assignments or other documents in the chain of title are provided.
- Assignment from Michael J. Sullivan to Spalding Sports Worldwide, Inc., recorded in the U.S. Patent and Trademark Office at Reel 7750, Frame 0242 on November 9, 1995, for parent patent application Serial No. 08/556,237.
- Name change from Spalding Sports Worldwide, Inc. to The Top-Flite Golf Company, recorded in the U.S. Patent and Trademark Office at Reel 013712, Frame 0219 on June 2, 2003.
- Assignment from The Top-Flite Golf Company to Callaway Golf Company, 3. recorded in the U.S. Patent and Trademark Office at Reel 014007, Frame 0688 on September 26, 2003.

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trudemark Office on the date indicated

Date of Teansmissic

PAGE 11/15* RCVD AT 3/22/2006 9:19:43 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-2/10 * DNIS:2739900 * CSID:612 288 9696 * DURATION (mm-ss):07-38

03/22/2006 08:22 FAX 612 288 9696

FISH AND RICHARDSON

@ 012/015

Patent No. : . :

6,595,873 July 22, 2003

Issued Applicant

Michael J. Sulfivan

Reexamination Proceeding

Control No. : Filed

95/000,123 January 17, 2006

Page

2 of 3

To the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

The undersigned, acting on behalf of the assignee, hereby revokes all powers of attorney previously granted in the above-referenced patent and appoints:

Dorothy P. Whelan, Reg. No. 33,814	Mark S. Ellinger, Ph.D., 33,812
Ronald C. Lundquist, Ph.D., Reg. No. 37,875	Richard J. Anderson, Reg. 36,732
J. Patrick Finn III, Ph.D., Reg. No. 44,109	John F. Hayden, Reg. No. 37,640
M. Angela Parsons, Ph.D., Reg. No. 44,282	John C. Phillips, Reg. No. 35,322
Teresa A. Lavoie, Ph.D., Reg. No. 42,782	Michael Catania, Reg. No. 36,474

with full power of substitution and revocation, to prosecute the above-referenced reexamination proceeding and to transact all business in the United States Patent and Trademark Office in connection with the above-referenced patent.

All correspondence regarding the application should be sent to:

Dorothy P. Whelan Fish & Richardson P.C. P.O. Box 1022 Minneapolis, MN 55440-1022

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States 03/22/2006 08:23 FAX 812 288 9696

FISH AND RICHARDSON

@ 013/015

Patent No. : 6,595,873 July 22, 2003

Issued

Applicant : Michael J. Sullivan

Reexamination Proceeding Control No.: 95/000,123

January 17, 2006

Page

3 of 3

Code and that such willful false statements may jeopardize the validity of the above-referenced patent,

Respectfully submitted,

CALLAWAY GOLF COMPANY

Date: Manch VI, voo 6

Michael J. Rider, Esq

Title: Senior Vice President, General Counsel

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PAGE 13/15* RCVD AT 3/22/2006 9:19:43 AM [Eastern Standard Time]* SVR:USPTO-EFXRF-2/10* DNIS:2739900 * CSID:612 288 9696 * DURATION (mm-ss):07-38

03/22/2006 08:24 FAX 612 288 9696

FISH AND RICHARDSON

Ø 014/015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Sullivan)
Reexamination Proceeding)
Control No.: 95/000,120) Examiner: Michael W. O'Neill
Filed: January 17, 2006) Art Unit: 3993
For: U.S. Patent No. 6,210,293)
In re Sullivan)
Reexamination Proceeding)
Control No.: 95/000,121) Examiner: Michael W. O'Neill
Filed: January 17, 2006) Art Unit: 3993
For: U.S. Patent No. 6,503,156)
In rc Sullivan)
Reexamination Proceeding) .
Control No.: 95/000,122) Examiner: Michael W. O'Neill
Filed: January 17, 2006) Art Unit: 3993
For: U.S. Patent No. 6,506,130	,)
In re Sullivan)
Reexamination Proceeding)
Control No.: 95/000,123) Examiner: Michael W. O'Neill
Filed: January 17, 2006) Art Unit: 3993
For: U.S. Patent No. 6,595,873)
- ·	•

Central Reexamination Unit 571-273-9900

CERTIFICATION UNDER 37 C.F.R. § 1.903

In accordance with the requirements of 37 C.F.R. § 1.903, Patent Owner, Callaway Golf Company ("Callaway Golf"), hereby certifies that service of the accompanying Revocation and New Power of Attorney documents for the above-referenced *inter partes* reexamination proceedings was made by U.S. first class mail on March 22, 2006, to the following attorneys for Acushnet Company:

Alan M. Grimaldi (Reg. No. 26,599) Joseph P. Lavelle (Reg. No. 31,036) Andrew R. Sommer (Reg. No. 53,932) Howrey LLP 1299 Pennsylvania Avenue, N.W. Washington, D.C. 20004

1

03/22/2006 08:24 FAX 612 288 9696

FISH AND RICHARDSON

Ø 015/015

The accompanying Revocation and New Power of Attorney documents for the above-referenced *inter partes* reexamination proceedings also were sent to the attorneys for Acushnet Company via facsimile (202-383-6610) on March 22, 2006.

The Director is authorized to charge any fees or credit any overpayments to Deposit Account No. 06-1050.

Respectfully submitted,

Date: March 22, 2006

Dorocity P. Whelan (Reg. No. 33,814) J. Patrick Finn III (Reg. No. 44,109)

Fish & Richardson P.C., P.A. 60 South Sixth Street, Suite 3300 Minneapolis, MN 55402 Telephone: (612) 335-5070

Facsimile: (612) 288-9696



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Viginia 22313-1459 www.unpto.gov

APPLICATION NUMBER

FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

09/470,196

12/21/1999

MICHAEL J. SULLIVAN

P-3724-2-F1-

CONFIRMATION NO. 5880

24492
THE TOP-FLITE GOLF COMPANY, A WHOLLY OWNED SUBSIDIARY OF CALLAWAY GOLF COMPANY
2180 RUTHERFORD ROAD
LEGAL DEPT
CARLSBAD, CA 92008-7328

OC000000018348345

Date Mailed: 03/23/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/22/2006.

• The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

MARSHA A TWITTY 3999 (571) 272-7750

OFFICE COPY



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS FO. Ben 1450 Alexandria, Viginia 22313-1450 www.uppn.gov

APPLICATION NUMBER

FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO/TITLE

09/470,196

12/21/1999

MICHAEL J. SULLIVAN

P-3724-2-F1-

CONFIRMATION NO. 5880

OC000000018348395

Dorothy P. Whelan Fish & Richardson P. C. P. O. Box 1022 Minneapolis, MN 55440-1022

Date Mailed: 03/23/2006

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/22/2006.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

3999 (571) 272-7750

OFFICE COPY



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. Box 1430 Alexandra, Vegicles 22313-1450 www.unipto.gov

Bib Data Sheet

CONFIRMATION NO. 5880

SERIAL NUMBER 09/470,196	FILING OR 371(c) DATE 12/21/1999 RULE	C	CLASS 473	GROUP ART UNIT 3711		ATTORNEY DOCKET NO. P-3724-2-F1-		
APPLICANTS MICHAEL J. SL	JLLIVAN, CHICOPEE, I	MA;						
This application which is a CON which is a CIP of the second seco	A ************************************	5 06/06/ 995 ABN 93 ABN		,				
Foreign Priority claimed yes no STATE OR S					SHEETS TOT. RAWING CLAI 1 8			
ADDRESS Dorothy P. Whelan Fish & Richardson P. (P. O. Box 1022 Minneapolis ,MN 5544		dian Webb brank by Political						
TITLE IMPROVED MULTI-LA	YER GOLF BALL						den de la companya e a l'accept	
FILING FEE FEES: Authority has been given in Paper RECEIVED No to charge/credit DEPOSIT ACCOUNT 760 No for following:			NT.	1.1 time)	6 Fees (7 Fees (8 Fees (er	Proce	essing Ext. of	